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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
November 6, 2007**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Matt Johnson, County Attorney; Mike Hoffman and Harold Stepper, County Planners; Bruce Suenram, Fire Logistics; Cory Kirsch, Bull Mountain Volunteer Fire Department; Faron Henderson and J.J. Conner, DBEK, Inc.; Dave Aune, Great West Engineering; Charlene Hall, North Jefferson County Spay/Neuter Task Force; Ed McCauley, Leah Compton, Ike Lanning, Charles and Louise Hayes, Patricia Baerga, Edgar and Kathy Bennett, Tina Stump, Tom and Jackie Fischer, Dan Felska, Kipp Huckaba, Melissa Tuemmler

**MINUTES**

Commissioner Weber moved to approve the minutes of October 9. Commissioner Lythgoe seconded. The motion carried.

**REPORTS**

Receipt of October expense and revenue reports from the Clerk and Recorder.

Receipt of October fees report from the Clerk and Recorder.

**CALENDAR REVIEW**

11/07 Canvas election - 3:00  
11/08 CTAC - Whitehall - 8:00  
Tri-County Fire - Helena - 9:00  
Elkhorn Working Group - Helena - 3:00  
Weed Board - 6:00  
Library Board - Clancy - 6:30  
11/09 Forest Service road tour - 1:30  
11/12 Holiday - County Offices closed

**SUBDIVISION REVIEW**

November 6, 2007 minutes.wpd

PRELIMINARY PLAT APPROVAL - JACK CREEK ESTATES MAJOR SUBDIVISION - BOULDER

Mike Hoffman, County Planner, presented his staff report for this major subdivision south of Boulder. The parcel contains 260.10 acres to be split into 37 lots ranging in size from 2.01 to 15.93 acres. Individual wells and septic systems are proposed. Because this is a major subdivision, parkland dedication is required, and the developer has opted for a cash-in-lieu payment. The developer proposes 30,000/gallon water storage system for fire fighting as well as a cash payment of \$20,000 to the Bull Mountain Volunteer Fire Department to help mitigate the impact. A perpetual easement to the water supply for fire protection is required to be filed with the Clerk and Recorder. Mike stated that the Planning Board recommendation was for denial, based on fire risk, road easement issues, specifically the status of Rocky Road as a public road easement, impacts to adjacent lands and lack of response from Fish, Wildlife and Parks regarding wildlife impacts. Mike stated that it was the recommendation of the Planning Department that approval be granted.

Commissioner Lythgoe stated that he is assuming that the letter from Fire Logistics that they just received is included in the preliminary plat approval. Mike stated that the letter that he just submitted is a letter Bruce Suenram submitted after negotiations with the developer, after the Planning Board meeting. The conditions of approval were not altered. Commissioner Notbohm asked for clarification regarding the \$20,000 donation in addition to a 30,000/gallon water storage. Commissioner Weber stated that the conditions of approval tell them what they must do; the \$20,000 donation is separate from that and voluntary. Commissioner Notbohm stated that normally it is either-or.

Bruce Suenram stated that his request would be to change condition of approval 18 to include the \$20,000 or add another condition. It is in the findings of fact, so he is requesting that it also be a condition of approval. Commissioner Weber stated that he doesn't think that we have the authority to make it a condition of approval. Bruce stated that he would respectfully disagree. The issue for the fire department is that they do not have a structure truck. Without mitigating that particular issue, and he thinks that voluntary language can be added, then the Commission could be backed into a box that they don't want to be backed into. It is not mandatory on the part of the Commission, but they can put in some voluntary language. Otherwise, the Commission is not mitigating a risk that has been clearly defined. Commissioner Weber stated that his problem is a condition of approval isn't a voluntary act, and never will be. A condition of approval is something that the developer mandatorily has to do. Matt stated that as long as they state that it is a voluntary agreement, we are okay. He would suggest that another condition be added that a voluntary agreement to mitigate lack of apparatus has been approved by the fire district and the developer. Our statutory guidelines really lack the teeth that he believes that the fire district and all fire districts would like in there in order to mitigate, not just the water storage facilities themselves, but also these extra measures.

Commissioner Weber read from the letter from Fire Logistics. Commissioner Lythgoe stated that we have already established precedent regarding requiring voluntary donations, such as to school districts. Matt stated that in looking at the language, he has no problem with it, as long as the letter is a part of the record. Also, in contacting MACo regarding situations like this, as long

as it is voluntary it is okay to impose a monetary value for mitigation. Commissioner Notbohm asked if we can assume that this is something that will be required of other subdivisions, regardless of size. Matt stated that he feels that it is appropriate to make the request in this situation. There are indications of greater impact than just water storage. Commissioner Lythgoe stated that each of these stand alone; because we do it here, we aren't setting precedent. Matt stated that because it is voluntary, they are not setting precedent. He believes that the fire districts are working to draw up a set of standard regulations that he hopes would address this in the future. It would be beneficial to have all of the fire districts requiring the same thing. Bruce stated that this is the first time in his career that he has encountered a fire district that doesn't have a structure truck. He doesn't believe that this sets precedent; most all of the other fire districts are well equipped with fire apparatus. This is an unusual case.

Mike stated that he disagrees with the assessment. He feels that this is essentially an impact fee. Commissioner Weber stated that he would agree if this were mandatory, but keeping it voluntary makes it not an impact fee. Mike stated that by making it a condition of approval, they are making it mandatory. Commissioner Notbohm stated that he would like to go on record that he agrees with Mike on this. It is great that the developer is willing to do this, but he thinks that by putting in the conditions of approval, it becomes mandatory.

Louise Hays stated that she lives in the adjacent subdivision. She feels that water will be a problem. They had to dig two wells, both over 400 feet. She doesn't know where they are going to get 30,000 gallons of water. Fire is also a concern. There was a fire last year, and the volunteer fire department was not able to save the house. She stated that she has a letter from a neighboring landowner that she would like to read. (On file in the Clerk and Recorder's office.) Louise stated that she doesn't have a problem with the development, but with the size of the lots. In their development, the requirement was 20 acres or larger. She also has a problem with a 30,000 gallon tank sitting out her back door. Commissioner Notbohm stated that the tank would be buried.

Commissioner Notbohm asked about well data in the area. Charlene Hall stated that she lives out there and her well is 300+ feet and produces 8 gallon a minute. Others offered what their wells produce, ranging from 4.5 to 12 gpm. Charlene stated that a neighbor had to install a holding tank.

Patricia Baerga stated that she owns lots 1 and 2 of Boulder Valley Heights. Lot 2 is right next to Rocky Road. Her concern is that an increase in the road width would increase the easement, and would take a lot of her property. She also doesn't like the amount of traffic this will create. She also shares the concern regarding water. Patricia stated that her final concern is why, when they were required to have 20 acre lots with no possibility to further subdivide, these lots are allowed to be smaller. Commissioner Weber stated that the Jefferson County Commission has made it a policy not to top-down zone, but rather to go bottom-up. Zoning requests must come from the residents, rather than the Commission imposing zoning. No one has requested zoning in the area. Her restrictions are likely restrictive covenants, outlined by the developer. Patricia stated that she would strongly urge the Commission to consider the fact of that many people, 37 lots, and the well records. Commissioner Weber stated that we rely on DEQ for that information,

and why they do that research. The developers in going through this process have to go through DEQ.

Charlene Hall stated that she would like to reiterate what the previous two people have stated. They were required to have 20 acres or more. She feels that 20 acres is pretty reasonable, and feels that the small lots will ruin the flavor of the area.

Leah Compton stated that her family has one of the adjacent agricultural operations. They are block management and there will be hunting nearby, which will continue; it is a part of their way of life that will continue. She spends several hours a day on slow-moving equipment on the roads; added traffic will affect safety. She also agrees with the water concerns that others have expressed. Leah further stated that she has problems with the plans for weed control. She would like to hear more from Fish, Wildlife and Parks on animal movement.

Ed McCauley stated that he is speaking partly as a trustee on the fire district, as well as rancher and representing Emmitt and Margie McCauley's ranching interests also. He asked Bruce the cost of a structure truck. Bruce stated that they could probably get a good truck for \$40 – 50,000. Ed urged the Commission to take the Planning Board recommendation. He stated that there are issues with access. Rocky Road that goes through the subdivision belongs to Emmitt McCauley and Jenifer Wise and is a private road. there is nothing in here regarding permission to use that road from those two individuals. Wildlife will be displaced to adjacent land, and hunting in the area will be an issue. Regarding water, he feels that the Commissioners have a responsibility to the irrigators in the valley. There were studies in the 1970s that found that the Boulder River goes dry in the summer. More wells will be depleting and diverting the groundwater from the irrigators. Also, studies show that groundwater is an integral part of the Boulder River flow. By approving this subdivision, they will be affecting water rights. He has been part of the fire district for about 30 years, and the district originally formed to take care of the ranches, not for what is proposed here. Ed stated that he thinks that if this goes through, there will be a petition to de-annex this subdivision. He also feels that the lot sizes are too small. Ed noted that he also feels that the covenant allowing horses on smaller lots should be changed. Enforcement of the covenants is left up to the homeowners association, but if they approve this, he feels that the Commission has to take some responsibility for enforcement also. He would also like to see three-strand smooth wire fence rather than four-strand, so it doesn't impede antelope migration. Ed stated that he isn't necessarily anti-development, but this definitely adversely affects the adjacent landowners, the fire department and wildlife.

Feron Henderson, DBEK Engineering, stated that he has been listening to questions and concerns, and he would like to address some of those. They did drill a test well after reviewing the water logs. The well was 228 feet and produced 12 gpm on July 16<sup>th</sup> when they conducted the 24-hour test. This seems to be meeting DEQ requirements. As for roads, after the Planning Board meeting, they did go back to the title company and they stated in writing, in agreement with the County Attorney's office, that this is a public access with a 60-foot easement for Rocky Road. This will have a 60-foot easement and a 24 foot driving surface. As far as the wire fence, if they are able to change that, it is not a problem. He will also look into the concerns regarding horses. As far as the wildlife corridors, there are five different drainages that are no-build zones.

Commissioner Lythgoe stated that, as he looks at the plat, he sees only 4 lots that are less than 5 acres. The next smallest is 5.29 acres, and most of the lots are 6 acres or more. Feron stated that the average is 7.2 acres. Commissioner Lythgoe stated that it appears to him, it would be easy to combine lots 6 & 7 to make a larger lot, so why are they so small. Feron stated that they were looking at a variety of lot sizes, to make it more affordable.

Charlene stated that when she and her husband put in electric 12 years ago, had the option to go overhead or underground and they chose to go underground for the esthetics. She asked what the subdivision will do. Feron stated that all utilities will go underground.

Tina Stump asked about the covenants regarding housing. Feron stated that they may be modular or stick built, but must be on a permanent foundation. Also, housing types, not less than 1000 square feet, to fit in with the existing dwellings are called for.

Tom Fischer, stated that his concern is also with the well. Theirs happens to be good, but not too far from them is a deeper well with less water. He asked if they can tell with one well. Commissioner Weber stated that the DEQ sets the requirements as to how to determine sufficient water. Feron stated that preliminary plat just gives them the go-ahead to do the study and finish the design. They then have to meet all of the conditions to meet final plat. If they can't meet the DEQ guidelines, there will be no development. Charlene stated that 37 more wells and septs make her a bit uncomfortable. Commissioner Weber stated that this will also need to be approved by the DEQ

Patricia asked where the water for the holding tank is to come from. Feron stated that the water would come from a well. Commissioner Weber answered that traditionally, there is a shared use agreement with one of the homeowners to allow the tank to be filled. The tank will remain full unless used.

Ed asked what the static water level was on the test well elevation. Feron stated that the static water level was 186.9. Ed asked if the natural drainage corridors would run interior fences. Commissioner Weber stated that you can't fence in such a way as to totally enclose. Feron noted that they can't fence the no-build zones.

Leah Compton asked average daily use of water, and if there will be any limitations on lawn size. The area has rocky soil, and if people want lush green lawns, it will use a lot of water. Feron stated that DEQ states that the average household uses 100 gallons per day.

Commissioner Weber stated that he feels that it would be best to first deal with if they want to change the conditions of approval by adding the voluntary language, whether they use Bruce Suenram's suggested language or other language, regarding the voluntary \$20,000 payment to the fire district. Commissioner Notbohm stated that he would rather not see it as a condition of approval.

Commissioner Notbohm stated that he has a couple of comments. He has a real problem with

the water issues in the area. Heavy irrigation has affected the river, and the water level is also a concern. He would be concerned if he was a neighbor as well. He also has a problem with the way the subdivision rules work. He asked the Planners if they grant preliminary plat approval, and the developer spends all the money required to meet the conditions of approval, what the chance of it being turned down is. Harold Stepper stated that normally when the preliminary plat is set, you condition it that they have to meet the conditions of approval. They have had a couple that haven't been able to meet the requirements. DEQ approval usually comes in somewhere in the middle of the process. He noted that it is a bit of a crap shoot for the developer.

Commissioner Lythgoe asked Mike, if the County Attorney is comfortable with putting the voluntary language in the conditions of approval, as is MACo, what his concern is. Mike reiterated that a condition of approval is not voluntary. A condition is do this or you won't be approved. Also, if you read the definition of an impact, this falls under that definition. He feels that this will put the county in a really awkward position. He feels that ultimately, this issue will be resolved with legislation, but this is really a grey area. Commissioner Lythgoe asked if we do not make this a condition of approval, the developer still has the intention of offering this \$20,000. The developer stated that this is correct.

Matt stated that MACo says impact fees are if you force someone to do something. This is a case of someone voluntarily doing something to mitigate a danger. This came from a negotiation prior to preliminary plat approval, where basically the developer and the fire department have come up with a solution for mitigation. He believes that we have a reasonable solution. The condition, be it that they hold the money in escrow pending final plat approval, or release the money if the subdivision is not approved, can be decided. MACo's instruction was that as long as it is voluntary, it is okay. This is being litigated tremendously in Lewis and Clark County right now. He doesn't believe that this is setting precedent if it is done voluntarily.

Commissioner Weber asked Cory Kirsch if he has any concerns with the developer depositing the money into a very specific reserve account for apparatus. Cory stated that it will get them started. Commissioner Weber stated that the other part he has a bit of a problem with is that Bruce's language states that the money be released at the time of DEQ approval or final plat. He would like to have just at final plat. Final plat is our concern, they have to deal with DEQ, and this needs to be done before final plat can be granted. Commissioner Weber stated that the one thing missing from Bruce's agreement is the word voluntary, and he would like that added. No one had a problem with this.

Commissioner Weber moved to add condition of approval 21 to read "per the agreement reached with Felska Real Estate Incorporated, owner, \$20,000 will be voluntarily given to the Bull Mountain Rural Fire District upon final plat approval to be deposited in an apparatus reserve account for the purpose of structural fire apparatus to mitigate the impacts of this project on the Bull Mountain Rural Fire District." Commissioner Lythgoe seconded for discussion.

Commissioner Lythgoe asked what problem Bruce or Cory has if these people say they are going to give \$20,000, this is a finding of fact, these are honorable people, why can't we leave it the way that it is. Commissioner Weber stated that it is a finding of fact that a problem exists, and if we do nothing to mitigate it, we leave open a door that we don't necessarily have to. Bruce

stated that this is his technical concern. We have identified an impact, and if it is not mitigated, it will give the County Attorney significant work in the future. He feels that the agreement negotiated between the fire department and the developer mitigate the impact. Mike stated that the finding of fact doesn't necessarily require mitigation. All we have currently is a verbal agreement between the parties. Without a contract, he doesn't know how they can place it in the conditions of approval. Commissioner Lythgoe asked why this can't be a separate issue. Mike stated that this is his position. If they try to condition it at this point, there is nothing to fall back on. Commissioner Notbohm stated that it could be a side agreement, rather than a condition. Mike stated that this way we don't take on the liability. Commissioner Weber asked if we put the voluntary contribution to school districts in the conditions of approval. Mike stated that we don't, it is in the findings of fact.

The developer asked why can't just do a side agreement as discussed. He can set up a CD account at the bank where the money can sit until final plat approval. Matt stated that generally is not his practice to put together contracts between private parties. It would be much simpler to have it in the conditions of approval. Someone could say that the County hasn't done their job to mitigate these impacts; feels that this could set precedent where fire departments have to negotiate with developers through his office for these issues. This is a unique situation. Commissioner Lythgoe stated that Matt doesn't have to draw up the agreement; the developer's attorney can draw up the agreement. Commissioner Notbohm stated that they don't even need an attorney. Matt asked how the Milligan Canyon subdivision dealt with the emergency services building. Harold stated that that agreement was totally voluntary and verbal. The motion to add condition of approval 21 was restated. The motion carried unanimously.

Commissioner Lythgoe moved to grant preliminary plat approval to the Jack Creek Estates subdivision. Commissioner Weber seconded. Commissioner Notbohm stated that after hearing everyone talk, he wishes that there was a way that we could require that the DEQ approval was required before preliminary plat approval. Commissioner Lythgoe stated that as a Commission, they have to follow the law. There is no reason under the law that we can deny preliminary plat approval for this subdivision. We may not like the density, but there is no reason under the law. We may be concerned about water availability, but there is no reason under the law. DEQ may not approve this, but we have no reason. He thought coming into this, that as a Commission, we have more power than we do, but we don't. Commissioner Notbohm stated that he feels that it needs to go back to the Planning Board. It doesn't fit in with the area; the lot sizes should be bigger, and water testing should be done. The motion carried, with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

#### FINAL PLAT APPROVAL - CARDWELL STORE MINOR

Mike Hoffman, County Planner, presented his staff report for this one-lot split located north of Cardwell. The parcel contains 35.05 acres, to be divided into two lots containing 14.64 and 20.41 acres. Mike recommended that final plat approval be granted. Commissioner Weber moved to grant final plat approval. Commissioner Lythgoe seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **APPOINT BOARD MEMBERS**

Commissioner Notbohm stated that application has been received from Sheila Hogan to serve on the Museum Board. He moved to appoint her to this position. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm stated that have several applications for the opening on the north-end metal mines committee. Dave Kirsch, and Barb Reiter. He has talked to Dave, but hasn't heard back from Barb. This item will be on a future agenda.

### **SIGN EXTENSION SERVICES AGREEMENT**

Commissioner Weber stated this is an administrative thing that they do yearly, which outlines our relationship with MSU to have an Extension Agent in place. Commissioner Weber moved to sign the agreement. Commissioner Notbohm seconded. The motion carried.

### **SIGN CONTRACT WITH SIERRA OUTDOOR ADVERTISING**

Commissioner Weber stated that this is a renewal of a five-year contract with Sierra Outdoor Advertising for placement of a billboard on a small piece of property the County owns near Basin. Commissioner Weber moved to sign the agreement with Sierra Outdoor Advertising for lease of land for billboard. Commissioner Lythgoe seconded. The motion carried.

### **BOULDER SPAY/NEUTER TASK FORCE UPDATE**

Charlene Hall came before the Commission to give an update of the recent spay/neuter clinic held in Boulder. The Boulder clinic saw 87 animals, 34 female cats, 21 male cats, 19 female dogs, and 13 male dogs. Whitehall did 85 animals the next day. Between the two clinics held so far in Boulder and Whitehall, 396 animals have been spayed or neutered. They also did an additional 76 rabies shots. They are planning another clinic in the spring, and the plan is to hold two a year after that. Charlene stated that Boulder got such good support from the community, and then presented the Commission with a certificate of appreciation.

### **DISCUSS AND DECIDE ON USING \$65,000 METAL MINES MONEY TO FUND THE NEXT PHASE OF THE NORTH-END WATER/SEWER STUDY**

Dave Aune, Great West Engineering, stated that he is just here to answer any questions that the Commission might have. Commissioner Weber asked what the end result of this study will be. Dave stated that the preliminary engineering report is the first stage of an overall effort to sewer un-sewered areas. The preliminary engineering report can be used to help make decisions and support any grant requests. What you get out of the study is the characterizations of waste-water practices in the area, an understanding of the options and alternatives that you have to pursue and



deficiencies in that waste-water management practice, and detailed costs of the preferred alternative as well as a funding strategy to pursue, as well as other strategies that are needed beyond funding, such as environmental, management, etc.

Commissioner Notbohm stated that this is a long, drawn out process, and what can it cost the county out of pocket to get this going. Dave stated that after the preliminary engineering report, they would then need to pursue grants and additional funding, and each would require additional funds. Dave gave some examples of grants that are available. Commissioner Weber asked at what point the County can give a loan to the future district; at what point can we say that the County's money is a loan to the district. Dave stated that typically the county's role is to kick-start the process. Eventually, a water/sewer board will need to be formed. Construction and design would come under the purview of the board. Commissioner Lythgoe stated that what Commissioner Weber is asking, we are doing several RIDs, the County puts money up front and when and if the RID is approved, we can recoup the up-front costs. He asked if something like that is possible with this process. Dave stated that this is an entirely different process, and he can't answer that question at this time. He will look into this for the Commission. Commissioner Weber asked at what point we set up the district. Dave stated that this would come after the preliminary engineering report and more public meetings.

Commissioner Lythgoe stated that he attended the WASAC meeting, and Dave seems to be the go-to guy in the area. He came away from that meeting being pretty comfortable with having him at the helm.

Commissioner Notbohm stated that his concern with this is not going forward with this, but with the funding. What is being proposed is using metal mines money. This money should go to the impacted area, and this is outside of that impacted area. He asked if this would be the Tunnels money. Commissioner Weber stated that this is in the high school district, so is in the impacted district. Commissioner Notbohm stated that this area is where the high school is at, and doesn't impact the north end at all. The fact of the matter is that Tunnels money is in District 2, which is from Boulder to Clancy and not the north end, so he would be really opposed to using metal mines money. He stated that he would have no problem with using PILT for this. Commissioner Weber asked if the high school district goes all the way to the County border. Commissioner Notbohm stated that the high school district goes to the County border, but this doesn't impact them; the high school is here in Boulder, not in the north end. If the high school was in the north end it would impact them, but as far as metal mines money usage, it was not for the north end of the county. Commissioner Weber stated that it was set to be for the high school district.

Commissioner Lythgoe moved to approve \$65,000 from north-end metal mines money to continue with the water/sewer district study. Commissioner Weber seconded. Discussion followed. Commissioner Weber stated that he doesn't have a problem with the area as they set it for the high school district, but he would like to give this to the north-end metal mines committee to get their feelings on this. He feels that this would be appropriate. Commissioner Lythgoe stated that he doesn't feel that that is appropriate or necessary; he feels out of their scope. It is up to the Commission to decide how these monies are to be spent. They gave the metal mine grant/loan committee money for that program, and that is their bailiwick. He feels that they, as a

Commission, have an obligation to consider other uses for the metal mines monies, and the experts that he has talked to all feel that this is probably one of the best uses that we have come up with. Carole Ferguson particularly stated that she felt this was a better use of these funds than the grants and loans given in the Whitehall area.

Commissioner Notbohm stated that he would totally disagree. If this was happening in the Whitehall area, they would be up in arms, the JLDC and who have you, spending the money this way out of the district. This is totally wrong; he knows that he has already lost this issue coming in here, because that's just the way it is here. The vote is the vote and they won't listen. The fact of the matter is that they gave the money to the school system and they wouldn't listen, so what does he expect. He stated that the other Commissioners will get as much heat as he can produce if they spend this money this way; it isn't a candy jar for Tom's projects in the north end of this county. He stated that we have a water system right here in Boulder that is having problems, and that would be appropriate, but its not in Montana City. Commissioner Weber stated that the money is to be used county-wide. Commissioner Notbohm answered that he used to feel that way, but he got put down pretty heavy on that. Commissioner Weber stated that this money was set up for the high school district. Commissioner Notbohm refuted this, and stated that most of them go to Helena anyway. Commissioner Lythgoe stated that one of the people he asked if this was an appropriate use of the money was Tom Harrington, who is with JLDC and involved the metal mines committees and he felt that it was very appropriate use, as did Carole Ferguson. Commissioner Notbohm stated that he has talked to Carole Ferguson and they had a discussion about the money that JLDC pulled out of our other fund and that wasn't appropriate either; he just hasn't addressed that yet.

The motion carried, with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

#### DISCUSS AND DECIDE ON CONTRACTING WITH GREAT WEST ENGINEERING TO DEVELOP A RESTORATION PLAN FOR THE BERNICE PROJECT

Commissioner Lythgoe stated that we have had a proposal before us and they did discuss it several weeks ago. We had hoped that the Forest Service would earmark some money, which they won't do; we had hoped that the Job Corps would earmark some money, which they won't. They had also hoped for some man power, but that doesn't seem to be forth-coming either. The EPA isn't going to let us off the hook, and we have to do something to mitigate this.

Commissioner Lythgoe moved to hire Great West to develop a restoration plan for the Bernice project. Commissioner Weber seconded. Commissioner Weber asked Matt if he got his suggestions regarding Freedom of Information Act information. Matt stated that letters will be going out the next day. Commissioner Notbohm left the meeting at that point, stating that two Commissioners are able to handle the meeting. Commissioner Weber noted that it would be nice to have three in attendance. The motion carried.

#### RESOLUTION 39-2007 LEVY AND SPECIAL ASSESSMENT FOR SADDLE MOUNTAIN RID

Commissioner Lythgoe moved to adopt the resolution. Commissioner Weber seconded. The motion carried. A copy of this resolution and its attachments are on file in the Clerk and Recorder's office.

**DISCUSS AND DECIDE ON FUNDING REQUEST FROM THE YOUTH FORESTRY MONITORING PROGRAM**

Commissioner Weber stated we had a great presentation from some of the youth. They had a very successful summer. They are requesting \$10,000 this year. Commissioner Lythgoe moved to approve \$10,000 for the YFMP, with the money to come from Title III. Commissioner Weber seconded. The motion carried.

**DISCUSS AND DECIDE ON SELLING 1.99 ACRES, LOTS 11 AND 14, J..H. EVANS SUBDIVISION**

Commissioner Lythgoe moved to make the decision to sell 1.99 acres, lots 11 and 14 of the J.H. Evans Subdivision. Commissioner Weber seconded. Commissioner Weber asked if we still need to go through the process of the new appraisal. Matt stated that this is correct. He has given the Commissioners a proposed appraisal committee list. He hasn't heard back from Commissioner Notbohm, as Citizen Notbohm, if he approves of it. They have worked together on this, and he was hoping that he would be here at this time to concur with him on this. The motion carried. Commissioner Lythgoe stated that it is contingent on whatever real appraised value they arrive at.

**OPPORTUNITY FOR PUBLIC COMMENT**

Kellie Doherty, Personnel Officer, stated that she wanted to let the Commission know that she needs to talk to them regarding several personnel issues. A meeting will be set up to discuss personnel issues with personnel officer.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**